

striking from your constitution as it exists to-day the provision that it shall require the executive pardon to entitle a party to vote, and the provision now proposed that it shall require a vote of two-thirds of the legislature, and that the result is to incite in one single individual a desire to recover his citizenship and to become a better man. Is it not something fit to be done?

I have no doubt there are many cases in which, after the commission of the first crime the parties are hurried on to the commission of others simply because in addition to the legal ban upon them there are so many other social bans. I think that to the poor fellow who may have fallen into misfortune, and wishes to correct his life, we ought to hold out the helping hand, instead of pushing him back. I hope the amendment will not prevail; and that the portion of the section requiring the executive pardon will be stricken out.

Mr. MILLER. I hope the amendment offered by the gentleman from Baltimore city (Mr. Stirling) and now under consideration, will prevail. I think the provision allowing the executive of the State to pardon offenders, and then, in case a man serves his time out upon conviction of any infamous crime, allowing the legislature by a two-third vote to restore him, is going far enough in that direction.—As the gentleman from Cecil (Mr. Pugh) has very properly said, although there is no maxim of law on the subject, it has always been understood that the objects of all criminal laws, whether statutory or such provisions as are contained in the constitution, have for their object not simply the punishment of crime, but the prevention of crime, the example which the punishment affords to others to prevent them from committing similar crimes.

As to the argument presented here, if a man under necessity committing some little offence, some petty larceny, yet coming under the definition of an infamous crime, and serving out his time in the penitentiary, if he is a proper party to be pardoned, the guardians of the penitentiary are watching him, and know the circumstances, and they will have his case presented to the governor of the State. To meet such cases was the very object of having an executive clemency vested in the governor, to enable him to act upon meritorious cases of that kind.

The argument that has been used with reference to the political effect of this matter, that efforts have been made to get men out of the penitentiary on political grounds and applications have been made to the governor, and the governor has exercised the pardoning power upon that ground, if such things are true it certainly argues a very corrupt executive. It is no argument against such a provision as this, but only shows that in former times we have had men acting as governors

who have improperly exercised the pardoning power.

Mr. THOMAS. I did not mean to cast any reflection upon the executive. I am perfectly satisfied that the executive did not know these political wire-pullings about getting the men out of the penitentiary; but it was done.

Mr. MILLER. Then the men deceived the governor and induced him to pardon these convicts in the penitentiary. He should be very careful how he exercises this prerogative. He should look to the offence and the circumstances. If the sentence is for a long term of years, and the man's conduct is such as to show that he has reformed, the universal practice is for the governor, some short time before the expiration of the sentence, to exercise his executive clemency and let the man go. But I think the criminal statistics show that very few who come out of the penitentiary ever reform. They go on pretty much the same way again. I hope the amendment will prevail.

Mr. STIRLING. So far as I am concerned I should be very much more disposed to strike out the word "pardon" from the clause, than to take the course advocated on the other side. I know very well that a great many men are pardoned for other reasons than reforms, and that a great many who are pardoned for the reason of reformation are in fact not reformed. I have seen a great many instances of a most remarkable character, which go to justify what was said by my colleague (Mr. Thomas) in regard to that subject.

I have in my eye now a man who had some good qualities but was really one of the most dangerous men in the State, who was pardoned simply because his testimony was absolutely necessary for the State. That man is no more fit to exercise the right of suffrage, and just as likely to be made a tool of desperate men for the most iniquitous objects as any man in the community.

Mr. ABBOTT. Will my colleague amend his proposition by striking out the pardon?

Mr. STIRLING. I should prefer to strike it out; but I do not desire to injure my amendment. I want to see whether the amendment will carry at all before I extend it to that. If a man has really reformed there is no difficulty in proving it to any sensible candid man; and the legislature is more apt to lean to the side of mercy than to the other side. There are instances where men have absolutely reformed, and can establish it to the satisfaction of everybody. But there are plenty of people pardoned out of the penitentiary, and who have gone on to commit worse offences afterward than before they went there, and are now known to be among the most reckless criminals in the State. The difficulty is in this country that the men who commit the most dangerous class of offences, wear good clothing, and most of them look